

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

RAYMOND LAVIGNE

PLAINTIFF

V.

CIVIL ACTION NO.: 4:21-CV-60-NBB-JMV

AMERICAN TRANZ, ET AL.

DEFENDANTS

**ORDER GRANTING PLAINTIFF'S AMENDED
MOTION TO WITHDRAW AS COUNSEL**

This matter is before the court on the amended motion, filed February 9, 2023, of Plaintiff's counsel, Joe N. Tatum, Raymond Gee, and the law firm of Tatum & Wade, to Withdraw [175]. The Court will grant the motion for the reasons, and **on the conditions listed, below.**

Because Plaintiff's counsel advises the court that the attorney-client relationship has terminated between Raymond Lavigne, Joe N. Tatum, Raymond Gee, and the law firm of Tatum & Wade due to such counsel having an ethical conflict with any further representation in the matter on behalf Lavigne, and because Lavigne, who was served with the amended motion to withdraw, having filed no opposition to it within the requisite fourteen (14) day period for doing so, the court finds the motion well taken.

Nevertheless, the court is mindful of the posture that such a withdrawal leaves the case in—with the Defendants' Motion for Sanctions and to Dismiss for Intentional Failure to Disclose Evidence [168], which was filed on February 9, 2023, still pending, and not responded to. Thus, this Order also requires Lavigne to either:

- 1) within thirty-three (33) days from the date of this Order, have any new counsel enter an appearance in this cause. In such event, Lavingne's new counsel will have thirty (30) days from the date of entry of that appearance to respond on Plaintiff's

behalf to the Defendants' Motion for Sanctions and to Dismiss for Intentional Failure to Disclose Evidence; or

- 2) If Lavigne does not have new counsel enter an appearance within the requisite thirty-three (33) days as aforesaid, Lavigne will be considered to be proceeding without counsel (Pro Se)¹; and his response to the Defendants' Motion for Sanctions and to Dismiss for Intentional Failure to Disclose Evidence [168] will be due 50 (fifty) days from the date of this Order.

Finally, **the permission to withdraw granted hereby is conditioned on** Joe N. Tatum, Raymond Gee, and the law firm of Tatum & Wade filing notice on the docket that they have—within 3 days of the date of this Order—served this Order on Lavigne personally, or by first-class mail at his last known address, and such counsel must also inform the clerk's office of the last known address and contact information for Lavigne.

WHEREFORE, PREMISES CONSIDERED, the amended motion to withdraw [175] is **GRANTED**, the motion to withdraw [172] is terminated as moot, and the appearance of Joe Tatum, Raymond Gee, and the law firm of Tatum & Wade, as counsel for Plaintiff Raymond Lavigne, is hereby withdrawn.

SO ORDERED this the 17th day of March, 2023.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE

¹ Of course, nothing in this order prohibits Lavigne from retaining counsel at any other point in this litigation; however, if such counsel has not entered an appearance within the aforesaid thirty-three (33) days, the response to the Defendants' Motion for Sanctions and to Dismiss for Intentional Failure to Disclose Evidence [168] will still be due fifty (50) days from the date of this Order.